

Committee on Judicial Ethics  
Teleconference  
Wednesday, November 23, 2011

Members present via teleconference: Justice Barry R. Schaller, Chair, Judge Edward R. Karazin, Jr., Vice Chair, and Professor Jeffrey A. Meyer. Staff present: Attorney Viviana L. Livesay, Assistant Secretary.

**MINUTES**

- I. With the above noted members present, Justice Schaller called the meeting to order at 9:39 a.m. Although publicly noticed, no members of the public attended.
- II. The Committee members present unanimously approved the Minutes of the November 15, 2011 meeting.
- III. The Committee briefly discussed Judicial Ethics Informal 2011-28 (Emergency Staff Opinion) and accepted the staff recommendation.
- IV. The Committee discussed Judicial Ethics Informal 2011-29. The facts are as follows: A non-profit organization that contracts with the Judicial Branch to provide services to court clients wants to honor a Judicial Official for the Judicial Official's work in the field of law that he or she is associated with. The award would be presented at the organization's annual meeting, which is not a fund-raising event (i.e. there is no "program book" or other fund raising conducted in connection with the meeting). May the Judicial Official accept the award?

Additional facts presented included that the Judicial Official is not involved in the contracting process, the organization's staff does not appear before the Judicial Official, the organization has been a party in a limited number of court cases but never before the Judicial Official to be honored, and the Judicial Official does not enter orders that require court clients to utilize the services the contractor provides.

The Committee members present unanimously determined that the Judicial Official may accept the award subject to the following conditions: (1) the Judicial Official is satisfied that the organization is not likely to appear regularly as a party before him or her, and (2) in the event the organization does appear before the Judicial Official in the future, for a reasonable period of time the Judicial Official should recuse himself or herself or disclose to all parties the fact of his/her receipt of the award from the organization. In addition, if, as part of the award, the organization provides the Judicial Official with more than a plaque, certificate or similar item of little intrinsic value, the Judicial Official should determine if acceptance of the award is appropriate under Rule 3.13 and if reporting of the award is required under Rule 3.15.

In rendering the foregoing opinion, the Committee determined (1) that a reasonable person would not believe that acceptance of the award reflected adversely on the Judicial Official's honesty, impartiality, temperament or fitness to serve as a Judicial Official (see Rule 1.2) or that acceptance of the award would appear to undermine the Judicial Official's independence, integrity or impartiality (see Rule 3.13(a)), (2) that there is no law prohibiting the receipt of the award (see Rule 3.13(b)), and (3) that receipt of the award was consistent with Rule 3.7(a)(4), which generally allows a judge to receive an award and recognition from a non-profit organization (subject to exceptions not applicable on the facts here).

V. The meeting adjourned at 9:42 a.m.